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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,536	10/15/2004	Peter Schwalbach	112740-1019	4420

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/511,536	SCHWALBACH, PETER	
	Examiner	Art Unit	
	Kiet Doan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/22/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is response to Remarks/RCE file on 05/22/2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 15, 17, 21-22, 24-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Patent No. 6,535,911) in view of Krishnan et al. (Patent No. 6,075,863).

Consider **claim 15**, Miller teaches a telecommunication module directly connected to a wireless mobile communication network (Fig.1, Illustrate network interface No.149 means as telecommunication module directly connected to a wireless mobile communication network No.148), comprising:

a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication (C4, L48-67, C5, L1-20, Fig.1, Illustrate processor No.160 which read on data processor wherein performing at least one telecommunication activity). Miller teaches the limitation of claim as discuss **but silent on** a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control

instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device.

In an analogous art, Krishnan teaches "Intelligent communication device". Further, Krishnan teaches a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device (Abstract, C2, L32-65, C4, L62-67, C5, L1-10, Fig.1, Illustrate control modem (10) which contain processor controller (18) as read on control data processor wherein automatically executing at least one control instruction sequence stored in the telecommunication module such as (20) and (22)).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller and Krishnan system, such that telecommunication module comprising a system data processor for performing at least one telecommunication activity and a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication

module to provide means for controlling and assisting other device in interpreting data and executing programs that embedded in the data stream and relatively secure inter computer data communication.

Consider **claim 21**, Miller teaches a method for controlling a telecommunication module directly connected to a wireless mobile communication network (Fig.1, Illustrate network interface No.149 means as telecommunication module directly connected to a wireless mobile communication network No.148), the method comprising:

providing that the telecommunication module include a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication network (C4, L48-67, C5, L1-20, Fig.1, Illustrate processor No.160 which read on data processor wherein performing at least one telecommunication activity).

Krishnan teaches providing that the telecommunication module include a control data processor (Fig.1, No.(18));

providing that the telecommunication module include a first connector for connecting the telecommunication module to an external electronic device (Fig.1, Illustrate port No.(16) such as connecting the telecommunication module to an external electronic device No.(12));

providing that the telecommunication module include a second connector for connecting the control data processor to the system data processor (Fig.1, No. (16) as second connector wherein connect control data processor No.118 to host computer which read on system data processor No.(12));

storing at least one control instruction sequence in the telecommunication module; and automatically executing the at least one control instruction sequence stored in the telecommunication module such that the at least one control instruction sequence initiates the at least one telecommunication activity of the system data processor (C2, L55-67, C3, L1-9, Fig.1, Illustrate No.(20) and No.(22) as storing and automatically executing at least one control instruction sequence in the telecommunication module).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller and Krishnan system, such that controlling a telecommunication module directly connected to a wireless mobile communication network contain a first connector for connecting the telecommunication module to an external electronic device and a second connector for connecting the control data processor to the system data processor wherein storing and automatically executing at least one control instruction sequence in the telecommunication module to provide means for controlling and assisting other device in interpreting data and executing programs that embedded in the data stream and relatively secure inter computer data communication.

Consider **claim 17**, Krishnan teaches a telecommunication module as claimed in claim 15, wherein the control data processor includes a storage part for storing the at least one control instruction sequence and an execution part for executing the at least one control instruction sequence (C2, L55-60, Fig.1, teach processor (18) as control data processor which contain memory storing data on No.20, No.22).

Consider **claims 20 and 26**, Krishnan teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence may be at least one of setup, modified and deleted by the external electronic device via the connector (C3, L25-35, C4, L62-67, C5, L1-10 teach host computer No.12 as external electronic device and can be modified and deleted).

Consider **claim 22**, Krishnan teaches a method for controlling a telecommunication module as claimed in claim 21, wherein for the automatic execution of the at least control instruction sequence, at least one AT control command is transmitted from the control data processor via the second connector to the system data processor (C2, L32-43 teach control modem No.10 couple to computer wherein general such as at least one AT control command).

Consider **claims 24 and 25**. Krishnan teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the data is transferred from the control data processor via the first connector to the external electronic device (Fig.1,

Illustrate port No.(16) such as connecting the telecommunication module to an external electronic device No.(12) and processor No.18 as instruction for controlling).

Consider **claim 27**. Krishnan teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the automatic execution of the at least one control instruction sequence is initiated by at least one of the external electronic device and establishment of a connection from the telecommunication module to a power supply device (C4, L62-67, C5, L1-10, Fig.1, Illustrate the external electronic device No.12 and establishment of a connection No.16 from the telecommunication which inherently contain power supply device).

Consider **claim 28**, Miller teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the at least one control instruction sequence is implemented such that one particular control instruction sequence is repeated at least once (Fig.1, Illustrate processor No.18 as control instruction wherein sequence is repeated at least once).

Consider **claim 29**, Miller teaches a method for controlling a telecommunication module as claimed in claim 28, wherein the repetition of the one particular control instruction sequence occurs once a specified intervening time period has elapsed (C5, L5-20, Fig.1, Illustrate module No.170 as wherein the repetition of the one particular

control instruction sequence occurs once a specified intervening time period has elapsed).

2. Claims 16, 18-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Patent No. 6,535,911) in view of Krishnan et al. (Patent No. 6,075,863) and further view of Lueh (Pub. No. 2002/0144240).

Consider **claims 16 and 23**, Miller and Krishnan teach the limitation of claim as discuss above **but fail to teach** a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction.

In an analogous art, Lueh teaches "Method and system of controlling dynamically compiled native code size". Further, Lueh teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction (Page 1, Paragraph [0003], Page3, Paragraphs [0026-0027]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller, Krishnan and Lueh system, such that control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction, to provide means for flexibility operating.

Consider **claims 18-19**, Lueh teaches a telecommunication module as claimed in

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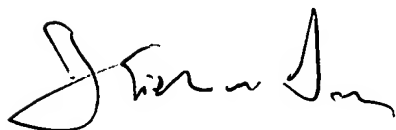
claim 17, wherein the execution part executes at least one of Java instructions and BASIC instructions (Page 1, paragraph [0003]).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan
Patent Examiner



GEORGE ENG
SUPERVISORY PATENT EXAMINER